

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN ZAYAS,

Plaintiff,

23-cv-1435 (JGK)

- against -

ORDER

PAUL MASLIN & CO, LLC, ET AL.,
Defendants.

JOHN G. KOELTL, District Judge:


On July 5, 2023, the Clerk of Court issued a certificate of default against defendant Seaflower Fish Market Inc. ("Seaflower"). ECF No. 18. On July 7, 2023, this Court issued an Order to Show Cause directing Seaflower to show cause in writing by July 24, 2023 why a default judgment should not be entered against it. ECF No. 23. The plaintiff timely served Seaflower with the Order to Show Cause. ECF No. 25. To date, Seaflower has not responded to the July 7, 2023, Order to Show Cause. Accordingly, the plaintiff is entitled to a default judgment as to liability against Seaflower. Any request for a default judgment against Seaflower with respect to damages should await the resolution of the claims against defendant Paul Maslin & Co., LLC ("Paul Maslin"). See, e.g., Sun v. GTV Media Grp. Inc., No. 21-cv-4529, 2022 WL 4115221, at *2 (S.D.N.Y. Sept. 9, 2022) (explaining that where, as here, a plaintiff seeks joint and several liability against multiple defendants, and "some but not all defendants have defaulted, the courts have consistently held that it is appropriate to enter judgment solely as to liability and not as to the amount of damages to be assessed against the defaulting party, since a

separate determination of damages would pose the prospect of inconsistent judgments"), report and recommendation adopted, No. 21-cv-4529, 2023 WL 112745 (S.D.N.Y. Jan. 5, 2023).

By **August 15, 2023**, the plaintiff and defendant Paul Maslin shall submit a Rule 26(f) report.

SO ORDERED.

**Dated: New York, New York
August 1, 2023**



John G. Koeltl
United States District Judge